



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4480-00
26 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 5 May 1969 at the age of 20. Your record reflects that on 17 September 1969 you submitted a written statement in which you admitting to using marijuana and other illegal drugs since the age of 15. Shortly thereafter, on 30 September 1969, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling four days, two specifications of disobedience, and missing the movement of your ship. The punishment imposed was restriction for 30 days.

Subsequently, you were notified of pending administrative separation action by reason of unsuitability due to drug abuse. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the discharge. On 1 December 1969 your commanding officer recommended you be issued an undesirable discharge by reason of unfitness due to drug abuse. The discharge authority approved the foregoing recommendation and directed an undesirable discharge by reason of unfitness due to drug abuse, and on 8 December 1969 you were so discharged.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, good post service conduct, and the numerous certificates, recommendations, and awards. The Board also considered your contention that the sworn statement of admission to using marijuana was only to ensure your discharge, and that you were never tested for drug use. However, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge given the serious nature of your drug related misconduct. Further, the Board noted that there is no evidence in the record, and you submitted none, to support your contention. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director